

CENTRAL INTELLIGENCE AGENCY

WASHINGTON, D.C. 20505

23 FEB 1981

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This letter concerns your request to this Agency for information about [redacted] and, specifically, your 10 February 1981 letter which constituted an administrative appeal based upon our lack of a timely response to that request.

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As discussed in a recent telephone conversation between you and a member of my staff, we have noted your decision to withdraw your appeal at this time and to permit us to continue initial processing of your request. It is our considered opinion that your interest in having a response within the shortest possible time will be best served by this decision. Upon completion of our final response to this request, you will of course retain full right to appeal any substantive denials which may have been made pursuant to our review.

Several other matters mentioned in your 10 February letter were also discussed by telephone, and we will briefly recap in order to clarify any remaining areas of concern. First, in your initial 18 April 1977 request and in the voluminous correspondence which ensues, emphasis has been placed upon your request for processing under the Privacy Act in addition to the Freedom of Information Act. As you know, the Privacy Act as a vehicle for access to personal file information is limited to use by United States citizens and resident aliens. [redacted] prior to and at the time of his death was neither. Thus, any question of your right to have this request processed under the Privacy Act is effectively resolved.

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With respect to privacy considerations which are normally observed in third person requests, we consider that [redacted] by his 1 August 1975 statement made prior to his death, and that his widow, by her 20 September 1977 statement, have effectively designated you as lawful agent with the right to receive any and all releasable personal file information which may be contained in this Agency's files. For your information, and in accordance with our policy established for the processing of "own file" requests, any search and reproduction fees which might have been incurred are hereby waived.

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Your concern for access to any records originating with other agencies which may be recovered pursuant to our search for responsive documents has also been apparent throughout your correspondence. While we do not have the authority to make substantive determinations on information or documents which originated outside of this Agency, any documents of this category which are recovered will be forwarded to the appropriate government agency for direct response to you. These referrals have been done, and will continue to be done, if and when other-agency documents are located and reviewed by the recovering component.

Your 10 February letter and previous correspondence also mentioned your desire to obtain a copy of a deposition drafted for [redacted]

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Your request to this Agency for a non-Agency originated document is inappropriate and will not be processed.

Additionally, your 10 February letter references a previous request, first mentioned in your 4 November 1977 letter, for "photographs taken at Miami International Airport of passengers disembarking from a late afternoon Pan American flight from Havana, Cuba on 3 November 1961." It was not until our recent telephone conversation that we became aware of your allegation that such photographs were taken by this Agency, and could therefore be the subject of a separate FOIA request. Accordingly, this additional request is hereby acknowledged, and we will instigate a search for any responsive photographs. Any estimate for search fees and reproduction costs which may be involved in this request will be sent to you as soon as available. We apologize for the misunderstanding which led to this delayed acknowledgement.

As you are aware, the volume of requests we have received over the past years has necessitated unfortunate delays to our FOIA requesters, particularly when a request involves documents which must be located and reviewed by our most heavily tasked component. We are aware that this is not a welcome circumstance for those requesters awaiting a response, but do wish to assure you that every effort is made to complete our processing within the shortest possible amount of time. Our final response to your request for information about [redacted] and our response to your request for photographs taken at Miami airport, will be sent to you as soon as possible. In the meantime, we will greatly appreciate your continued patience.

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Sincerely,

John E. Bacon
John E. Bacon
Information and Privacy Coordinator

IPD/AEF/cb 20 Feb 81

Distribution:

Orig - Adse

- 1 - IPD Chrono
- 1 - IPD F77-260
- X - IPD logging: log & destroy F77-260 - interim corres.
- 1 - IPD F81-0190 (new request for photos)
- 1 - IPD logging: log & destroy: ack. photo request.
- 1 - DDO/IMS/FPLG/Processing Section (Attn: [redacted])
- 1 - AEF

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NOTE: Requester was telephoned at his office on 18 Feb 81:

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